

RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Jones, DeShawn <DeShawn.Jones@ed.gov>

Tue 8/10/2021 8:37 AM

To: Lauren Swain <lauren@paulsouthwick.com>

Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>

Sure thing Lauren; indeed I shall.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215-656-3242
Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>

Sent: Tuesday, August 10, 2021 10:36 AM

To: Jones, DeShawn <DeShawn.Jones@ed.gov>

Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>

Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, DeShawn. Please call me Lauren as well.

Best

From: Jones, DeShawn <DeShawn.Jones@ed.gov>

Sent: Tuesday, August 10, 2021 8:32 AM

To: Lauren Swain <lauren@paulsouthwick.com>

Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>

Subject: RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Ms. Swain, I apologize for the incorrect address. I will address you as Ms. Swain from now on.

Also, the MS Teams meeting will be audio only. And you can just call me DeShawn.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215-656-3242

EXHIBIT E

1

Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Tuesday, August 10, 2021 10:19 AM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

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Thank you very much, Mr. Jones. We'll look forward to speaking with you.

Please note that I am not an Mrs. , so please call me Lauren or Ms. Swain from now on.

Kind regards,
Ms. Lauren Swain

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Jones, DeShawn <DeShawn.Jones@ed.gov>
Sent: Tuesday, August 10, 2021 8:02 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Good morning Mrs. Swain.

1:00 p.m. EST Wed Aug 11 2021 will work just fine Ma'am. I will send you the Microsoft Teams meeting invite just a few minutes.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323

EXHIBIT E

2

Phone: 215-656-3242
Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Monday, August 9, 2021 8:31 PM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

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To clarify, we are available at 1pm *Eastern Time* this Wed or Thu.

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Monday, August 9, 2021 6:27 PM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>; Paul Southwick <paul@paulsouthwick.com>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

Mr. Jones,

Attorney Paul Southwick, cc'd and I are available at 1:00pm this Wed. or Thu. Please kindly send us each an invitation to the call.

Thank you.

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951



From: Jones, DeShawn <DeShawn.Jones@ed.gov>
Sent: Monday, August 9, 2021 11:49 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>
Subject: RE: OCR #03212192 - Clarks Summit University - Evaluation Interview

Mrs. Swain,

Since we have some very basic questions about the complaint, we would like to speak with you initially.

If after our evaluation of your complaint we determine that we do need to speak with your client, then we will reach out to you to schedule a second call Ma'am. Also cc'd on this email is Mrs. Lucy Fowler Glass, the OCR attorney also assigned to evaluate this complaint.

Please read and sign the attached notices prior to the interview. If you cannot read them before we talk, then I will read them to you for your verbal acknowledgement and that will take an additional 15 minutes during our call.

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215-656-3242
Fx: 215-656-8605

From: Lauren Swain <lauren@paulsouthwick.com>
Sent: Monday, August 9, 2021 11:50 AM
To: Jones, DeShawn <DeShawn.Jones@ed.gov>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>
Subject: Re: OCR #03212192 - Clarks Summit University - Evaluation Interview

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks very much for your response, Mr. Jones and Ms. Glasson.

Please indicate whether you are requesting to speak with me alone, or to include our client, Gary Campbell, on whose behalf we have filed the complaint. Mr. Campbell may be able to provide more thorough responses.

Best,
Lauren

Lauren Swain

Administrative Assistant/Paralegal REAP

Paul Southwick Law, LLC

lauren@paulsouthwick.com

(303) 887-5951

From: Jones, DeShawn <DeShawn.Jones@ed.gov>
Sent: Monday, August 9, 2021 9:35 AM
To: Lauren Swain <lauren@paulsouthwick.com>
Cc: Glasson, Lucy <Lucy.Glasson@ed.gov>
Subject: OCR #03212192 - Clarks Summit University - Evaluation Interview

Hello Mrs. Swain.

We have received your complaint against Clarks Summit University and would like to schedule 30 minutes to speak with you to further evaluate your complaint.

What time and day this week would you be able to speak to us about your complaint Ma'am?

Sincerely,

DeShawn S. Jones, Equal Opportunity Specialist
US Department of Education
Office for Civil Rights
The Wanamaker Building
100 Penn Square East, Suite 515
Philadelphia, PA 19107-3323
Phone: 215-656-3242
Fx: 215-656-8605

NOTICE ABOUT THE USES OF PERSONAL INFORMATION

There are two laws governing personal information submitted to all Federal agencies including the U.S. Department of Education, Office for Civil Rights (OCR): The Privacy Act of 1974 (5 U.S.C. Section 552a) and the Freedom of Information Act (5 U.S.C. Section 552). This brief description will provide you with an understanding of these laws. Please read this notice, sign the **Acknowledgement Form for Interviewee** and return it to OCR.

The Privacy Act protects individuals from misuse of personal information held by the Federal Government. The law applies to records that are kept and that can be located by the individual's name or social security number or other personal identification system. Persons who submit information to the government should know that:

- OCR has been authorized to resolve or investigate complaints of discrimination on the bases of race, color, national origin, sex, disability and age in institutions that receive Federal funds. The agency is also authorized to conduct reviews of federally funded institutions to assess their compliance with civil rights laws.
- Information that OCR collects is analyzed by authorized personnel within the Office. This information may include personnel records, academic standing, or other personal information. OCR staff may need to reveal certain information to persons outside the agency in the course of attempting resolution, verifying facts or gathering new facts to develop a basis for making a civil rights compliance determination. Such details could include the physical condition or age of a complainant. OCR may also be required to reveal certain information to any individual who requests it under the provisions of the Freedom of Information Act.
- Information submitted to OCR may also be given to persons outside of the Office as needed in enforcement proceedings against an institution that violates civil rights laws or regulations. Such information could include the income, age, marital status or physical condition of the complainant.
- Personal information will be used by OCR only for the specific purposes for which it was submitted, that is, for authorized civil rights compliance and enforcement activities. Except in rare, very limited circumstances, OCR will not release the information to any other agency or individual unless the person who supplied the information submits a written consent or unless release is required under the Freedom of Information Act. (see below)
- No law requires a complainant to give personal information to OCR, and no sanctions will be imposed on persons who deny OCR's request. However, if OCR fails to obtain information needed to resolve or investigate allegations of discrimination, it may be necessary to close the complaint.

As a policy, the Office for Civil Rights does not reveal the names or the other identifying information about an individual unless it is necessary to do so in the course of attempting an early resolution, attempting other resolution strategies, completing an investigation or for enforcement activities against an institution that violates the laws. OCR never reveals to an institution the identity of the person who filed the complaint, unless the person first gives OCR written consent to do so.

The Freedom of Information Act gives the public maximum access to files and records of the Federal Government. Individuals can obtain items from many categories of records of the government – not just materials that apply to them personally. The Office for Civil Rights must honor requests under the Freedom of Information Act with some exceptions. OCR generally is not required to release documents during resolution attempts, an investigation or enforcement proceedings if the release would have an adverse effect on the ability of the Office to do its job. Also, any Federal agency may refuse a request for files or records if their release would be a “clearly unwarranted invasion of privacy” of an individual.

Signature

Date

Printed Name

NOTICE OF COMPLAINANT/INTERVIEWEE RIGHTS AND PROTECTIONS

Complainants and interviewees who cooperate in an investigation, proceeding, or hearing conducted by the United States Department of Education, Office for Civil Rights (OCR) are afforded certain rights and protections. This brief description provides an overview of these rights and protections.

- A Recipient may not force its employees to be represented by the institution's counsel nor may it intimidate, threaten, coerce, or discriminate against any employee who refuses to reveal to the Recipient the content of an interview. An employee does, however, have the right to representation during an interview with OCR. The representative may be the Recipient's counsel, the employee's private counsel, or anyone else the interviewee authorizes to be present.
- The interviewee's right to representation does not include a general right to have other persons present during the interview. Besides the OCR investigator and/or attorney, the person being interviewed, and any needed interpreters, the only other person present during any interview should be the interviewee's personally designated representative.
- If the interviewee, other than an upper level manager, identifies the Recipient's counsel, supervisor, or manager for the Recipient as a personal representative, the interviewee should be informed that such a person may have a conflict of interest between that person's responsibilities to the Recipient, and the person's responsibilities as a personal representative.
- If the representative with responsibilities to the Recipient appears to interfere with OCR's ability to interview the interviewee or obtain requested information; the representative will be asked to leave. If the interviewee insists that the designated representative is present, and OCR has no other reason to believe that the presence of the identified representative will interfere with the gathering of information, OCR will proceed with the interview.
- The laws and regulations which govern OCR's compliance and enforcement authority provide that neither Recipient nor other persons shall intimidate, threaten, coerce, or discriminate against any individual because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted under OCR's jurisdiction.
- Information obtained from the Complainant or other individuals may be exempt from disclosure to the general public under the Freedom of Information Act (FOIA) or the Privacy Act of 1974 (Privacy Act) if release of such information could constitute an unwarranted invasion of personal privacy.

ACKNOWLEDGEMENT FORM FOR INTERVIEWEE

I have read the Notice about Investigatory Uses of Personal Information and the Notice of Complainant/Interviewee Rights and Protections by the Office for Civil Rights (OCR).

I am aware that the information obtained from me in the investigation of _____ will be placed in the complaint file maintained by OCR pursuant to the investigation of this case. I understand that it is the policy of OCR to protect the identity of complainants, witnesses, and informants who cooperate with OCR's investigations. However, I acknowledge that under the Freedom of Information Act (FOIA) and the Privacy Act, OCR may be required to disclose this information.

Although no guarantee of confidentiality has been given to me in exchange for this information, I have not waived any right to privacy under FOIA that OCR may assert on my behalf.

Signature

Date

Printed Name